GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri Done Venkateswarlu, S/o (late) Poli Reddy, Occ: Senior Accountant, Prakasam District, against the proceeding No. Rc.C4/559/2005, dt: 15.11.2007 of the District Collector, Prakasam, under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition allowed– Orders -Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.MS.No. 141 Dated: 29-08-2018
Read the following:

1. Proceedings of the District Collector, Prakasam, Rc.C4/559/2005, dt: 15.11.2007.
2. Appeal Petition filed by Sri Done Venkateswarlu S/o late Poli Reddy, Sr.Accountant, O/o Sub-Treasury Office, Markapur, Prakasam before M(TW & RIAD), Endt. No.613/M(TW&RIAD)/2008, dated 13.06.2008.
3. Govt. Memo No. 4968/CV.2/2008-1, dt. 29.07.2008.
4. From the District Collector, Prakasam, Lr.No.Rc.C4/970/2013, dt.14.01.2014.
5. Govt. Memo No. 4968/CV.2/2008, dt.16.10.2005, 12.11.2015, 01.05.2018 & 05.06.2018.

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ORDER:

In the reference 1st read above, the District Collector, Prakasam has issued orders cancelling ST-Konda Reddy caste certificate obtained from the then Tahsildar, Ongole in the year 1982 & 2003 by Sri Done Venkateswarlu, S/o (late) Poli Reddy.

2. In the reference 2nd read above, Sri Done Venkateswarlu, S/o (late) Poli Reddy, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, Prakasam. After examining the said Appeal Petition, Government have admitted the Appeal Petition and granted stay on the proceedings of the District Collector, Prakasam and called for the parawise remarks and connected records from the District Collector, Prakasam in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Prakasam has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri Done Venkateswarlu, S/o (late) Poli Reddy.

4. The said Appeal Petition has been posted for hearing on 31.10.2015, 28.11.2015, 19.05.2018 & finally on 23.06.2018 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 5th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The appellant/ Counsel for appellant have attended for the hearing finally on 23.06.2018 and argued his case, before the Appellate Authority.

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks submitted by the District Collector, Prakasam and proceedings, dated15.11.2007 of the District Collector, Prakasam, the Appellate Authority is observed that :

I. The appellant in his grounds has stated that Committee has conducted an enquiry wherein, Sri Chadala China Kumi Reddy S/o Latchi Reddy who is a Konda Reddy by Caste and native of Manthuru village in Devipatnam Mandal of E.G.District and Pandala Jaggi Reddy S/o Panda Reddy, Native of Manthuru village, Devipatnarn Mandal, EG. District and Chapala Venkateswaru S/o Vinukondiah of Pallepalem H/o Kothapatnam and Gunimini Jali Reddy S/o Veera Swamy R/o Valasapalem H/o Kothapatnam village and all these persons have clearly and categorically stated before the committee that more than 50 years back the petitioner's father has migrated from East Godavari District to Valasapalem of Prakaam district and settled therein .

[P.T.O]

II. Further, he has also stated before the committee that his father and himself used to go to Manthuru village in Devi Patnam Mandal of East Godavari district for attending important festivals and harvesting seasons participating in village deity's Jataralu. His father also participating in Poleramma, Ankamma Village Deity's Jataralu at Kothapatnam village in the same manner as at Devi Patnam Village. The petitioner has also stated before the committee that his father has no brothers and sisters, his mother have one brother and one sister who have died 15 years ago and he has no relatives from his father's side, but few friends to his father at Manthuru village who are alive. Further, he has stated that the District Collector has passed orders straight away instead of referring the matter to East Godavari to cause an enquiry in Manturu Village to know whether the father of the petitioner has ever resident of Manturu (V) and belongs to Konda Reddy community and also violate the principles of natural justice.

III. The District Level Scrutiny Committee has observed that the Committee has given ample opportunities to the appellant to produce documentary evidence before the committee to prove his caste status. He has not produced any evidence in support of his caste claim except a copy of caste certificate issued by the then Mandal Revenue Officer, Ongole dated 25.2.1982. The DLSC, has observed that, according to G.O.Ms No. 147, SW(E) Dept., dt 27.4.1977, Revenue Divisional Officer or not below the rank of Tahsildar or Jurisdiction can only issue the ST- Konda Reddy caste certificate to the candidate, who claims native to empowered Scheduled Areas. In this case Kothapatnam or Ongole Mandals are not Scheduled areas. Hence the Konda Reddy (ST) caste certificate issued to Done Venkateswarlu S/o Poli Reddy is liable for cancellation. Hence, based on the DLSC findings the Dist., Collector has cancelled the appellants ST- Konda Reddy Caste Certificate.

IV. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

V. The Appellate Authority has observed that during the course of arguments that the appellant submitted his arguments have stated that he belonged to Konda Reddy community and he joined in Treasury Department basing on the ST certificate and his father native place is Manturu Village of Devipatnam Mandal of East Godavari District and he is not claiming the ST caste to his children and they are not brought up in the fold of STs and further stated that he retired from service and underwent heart operations and requested to render justice to him. On verification of the arguments and the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that the documents pertaining to the appellant with regard to his caste that two persons came from the native place of the father of the appellant and deposed that father of the appellant belongs to Konda Reddy. That taking consideration of the above and the material available on the record, it can be concluded that the lower authority failed to observe the finding of the concerned above and the appeal is hereby allowed filed by the appellant on humanity ground by upholding the appellant Schedule Tribe (Konda Reddy) claim and by the appellant committed in his arguments the said claim of the appellant purely for the individual alone .

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No.16 of 1993), hereby allowed the Appeal Petition filed by Sri Done Venkateswarlu, S/o (late) Poli Reddy, by upholding his Scheduled Tribe(Konda Reddy) community claim and ST-Konda Reddy caste certificate issued by the then Tahsildar, Ongole and the Proceedings of the District Collector, Prakasam issued in the reference 1st read above are set- aside.

7. The District Collector, Prakasam is directed to take necessary consequential action in the matter.

[Contd..]

8. The records (containing Rc.No.D.Dis.C4/559/2005, dated 04.01.2010, NF: 35 & CF: 189 pages) received from the District Collector, Prakasam through the reference 4th read above, are returned herewith in original to the District Collector, Prakasam and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Prakasam
(with original records) (BY RPAD)

Sri Done Venkateswarlu S/o late Poli Reddy,
Sr. Accountant, O/o Sub-Treasury Office,
Markapur, Prakasam Dist.

Sri M. Subba Reddy, Smt. A. Harija, N. Krishna, Advocates,
H.No.2-2-1126/3/IC, Ramalayam Street,
New Nallakunta, Hyderabad-44.

The District Treasury Officer, Prakasam.(for necessary action)
Copy to :
The Director, TCR& TI, AP, Amaravathi.
The PS to M(SWE & TWE).
The PS to Principal Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER